

FIFTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, Nov. 20, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. Quorum present.

Absent—Senators Bowers, Evans and Shannon.

Absent, excused—Senator Fountain.

Prayer by the Rev. Mr. Dodge.

Pending the reading of the journal of yesterday.

On motion of Senator Gaines the further reading was dispensed with.

On motion of Senator Pickett, Senator Latimer was excused from attendance on account of illness.

The President appointed as conference committee on House amendments to Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," to confer with a like committee on the part of the House, Senators Parsons, Mills and Pickett.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 461, "An act making appropriations for deficiencies for the support of the State Government for the fiscal year beginning September 1, 1871, and ending August 31, 1872." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, Senator Bowers was excused from attendance for four days.

Senator Gaines moved to suspend the rules to read Senate bill, No. 461 the third time.

Yeas and nays called for, and motion lost by the following vote, two-thirds not voting in the affirmative:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor, Tindick—14.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Shannon, Swift—8.

11 O'CLOCK A. M.

SPECIAL ORDER,

Viz.: Senate bill No. 519, "An act to aid the available school fund, in placing on a sound and durable foundation and maintain-

ing a system of public free schools," etc., and Senate bill No. 552, "An act to incorporate the Tyler Tap Railroad Company."

On motion of Senator Saylor, the consideration of Senate bill No. 552 was postponed until 12 M.

On motion of Senator Pettit, the consideration of Senate bill No. 519 was postponed until to-morrow at 11 A. M., and one hundred copies ordered printed.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, }
Austin, Nov. 20, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bills as follows: Senate bill No. 481, "An act to incorporate the Library Building Association of Galveston;" No. 513, "An act to reorganize the town of Bryan, in Brazos county, and incorporate said town as the city of Bryan;" No. 548, "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay, and to create a bonded debt for that purpose;" No. 565, "An act further prescribing the time of holding the term of the District Court in the Eighth Judicial District;" No. 560, "An act to incorporate the Santa Gertrude Mining and Manufacturing Company."

G. T. RUBY, Chairman.

Report read and received.

Reports of Committee on State Affairs:

COMMITTEE ROOM, }
Austin, Nov. 18, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 840, entitled "An act to incorporate the Casino Society of Yorktown," after careful consideration, instruct me to report the same back and recommend that it do pass.

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 18, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 843, entitled "An act to incorporate the Gem Fire Company No. 2 of the city of Jefferson, Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 20, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 842, entitled "An act to incorporate the Calvert Hebrew Benevolent Association, of Calvert, Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 20, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 798, entitled "An act to incorporate the Victoria Society, of Washington county," after careful consideration, instruct me to report the same back, with the recommendation that it do pass.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 18, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 868, entitled "An act to incorporate the Odd Fellows Hall Association of Bryan, Texas," after careful consideration instruct me to report it back, and recommend that it do pass.

Respectfully,

S. W. FORD, Chairman.

Reports read and laid over under the rules.

Report of Committee on Education:

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Education, to whom was referred House bill No. 745, have had the same under careful consideration, and a majority thereof instruct me to report it back to the Senate and recommend the following amendments to-wit :

1. Strike out word "by" in second line, section four, and insert the phrase "upon the recommendation of."
2. Strike out whole of section six.
3. Change section seven to section six; also, section eight to section seven.

Respectfully,

E. PETTIT, Chairman.

Report read and laid over the rules.

Report of Committee on Public Lands and Land Office :

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 556, to be entitled "An act creating the Land District of Pecos," have considered the same, and I am instructed to report it back to the Senate and recommend that it do pass.

Respectfully,

B. J. PRIDGEN, Chairman.

Report read and laid over under the rules.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 363, a bill to be entitled "An act to change the boundary line between Comal and Guadalupe counties," have had the same under careful consideration, and have instructed me to report the same back to the Senate and recommend that it do pass.

Respectfully,

P. W. HALL, Chairman.

Report read and laid over under the rules.

Report of Committee on Finance :

COMMITTEE ROOM,)
Austin, Nov. 20, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Finance, to whom was referred House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing,' approved August 13, 1870," have had the same under consideration, and instruct me to report the same back and recommend its passage.

Very respectfully,

W. A. SAYLOR, Chairman.

Report read.

On motion of Senator Saylor, the rules were suspended to consider the report and resolution. Read second time.

Senator Pickett offered the following amendment, which was adopted: Amend by inserting in line five, section one, after the word "Treasury," the words, "not otherwise appropriated."

Resolution passed to a third reading as amended.

Senator Saylor moved to further suspend the rules to read the resolution a third time. Lost.

Senator Gaines moved to suspend the rules to take from file House bill No. 798, "An act to incorporate the Victoria Society, of Washington county." Lost.

UNFINISHED BUSINESS,

Viz: Substitute House bill No. 691, "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of 'an act regulating public printing,' approved August 13, 1870."

Senator Baker moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Pettit.

Senator Pettit appeared and answered to his name.

Call suspended.

The question being upon the motion to lay substitute House bill No. 691 on the table, the yeas and nays were called for and the Senate refused to lay on the table by the following vote:

Yeas—Mr. President, Bell, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Saylor—9.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift, Tendick—15.

Senator Baker was excused from voting, having paired off with

Senator Bowers, the former voting in the affirmative and the latter in the negative.

Senator Mills was excused from voting, having paired off with Senator Latimer, the former voting in the affirmative and the latter in the negative.

Senator Tendick offered the following as a substitute to substitute House bill No. 691, "An act to amend an act entitled 'an act regulating public printing,' approved August 13, 1871."

Senator Tendick moved the adoption of the substitute.

Senator Broughton moved to lay the substitute on the table.

Yeas and nays called for and motion to lay on the table carried by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift—13.

Nays—Mr. President, Bell, Ford, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Saylor, Tendick—11.

Senators Baker and Mills were excused from voting, having paired off respectively with Senators Bowers and Latimer, the two former voting in the negative and the two latter voting in the affirmative.

The question being upon the passage of the bill to a third reading, the yeas and nays were called for, and the bill passed to a third reading, as amended, by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift—14.

Nays—Mr. President, Bell, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Saylor, Tendick—10.

Senator Douglas moved to farther suspend the rules to read the bill a third time.

Yeas and nays called for and the Senate refused to suspend the rules by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift—14.

Nays—Mr. President, Bell, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Saylor, Tendick—10.

Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial Districts of the State of Texas," and substitute Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial Districts of the State of Texas."

The question being upon the adoption of the substitute, the substitute was adopted and read second time.

Senator Saylor offered the following amendment, which was adopted: Amend section twenty so as to read: "That the Nine-

teenth District shall be composed of the counties of Brazos, Burleson, Milam and Washington, and shall be entitled to elect two Senators and six Representatives."

[Senator Saylor called to the chair.]

Senator Dohoney offered the following amendments:

Amend by adding the counties of "Wood and Upshur" to the Fifth District.

Amend further by adding the counties of "Hunt and Delta" to the Eighth District.

Senator Baker moved to lay the amendments on the table.

Yeas and nays called for, and the amendments laid on the table by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—14.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Shannon, Swift—9.

12 o'CLOCK M.

Postponed special order: Senate bill No. 552, "An act to incorporate the Tyler Tap Railroad Company."

On motion of Senator Ruby the special order was further postponed until the matter pending should be disposed of.

Consideration of substitute Senate bill No. 456 resumed.

Senator Dillard offered the following amendment: Amend fourth section by striking out "Henderson" in Third District and placing it in Fourth District.

Senator Gaines moved to lay the amendment on the table.

Yeas and nays called for and motion to lay on the table carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—10.

[Senator Flanagan again resumed the chair.]

Senator Pickett moved that the further consideration of substitute Senate bill No. 456 be postponed and made the special order for Friday next at 11 A. M., and from day to day until disposed of.

Yeas and nays called for and motion to postpone lost by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Evans, Pickett, Pyle, Shannon, Swift—9.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

[Senator Saylor called to the chair.]

President Flanagan moved the engrossment of the bill.

Yeas and nays called for, and substitute House bill No. 456 ordered engrossed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—10.

Consideration of postponed special order resumed.

Senate bill No. 552, "An act to incorporate the Tyler Tap Railroad Company."

On motion of Senator Douglas, the special order was further postponed until 12 M. to-morrow.

Senator Rawson offered the following resolution, which was adopted:

WHEREAS, The press of business as we approach the close of the session necessitates two daily sessions of the Senate; and,

Whereas, It is imperative that the journal of said session should be duly published in the official paper so as to be had for reference on each succeeding day of said sessions; therefore,

Resolved, That the public printer be and is hereby authorized and required to furnish daily, to this body, the proceedings of each and both succeeding sessions in the official journal hereof.

Under direction of the President, the Secretary carried to the House for concurrence Senate bill No. 450, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856."

And, informed the House that the Senate had passed with amendment House bill No. 177, "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870;" and, without amendments, House bills as follows: House bill No. 819, "An act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 15, 1870;" House bill No. 637, "An act for the relief of the heirs of George Wall, deceased;" House bill No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company;" House bill No. 866, "An act to encourage the manufacture of cotton and wool in this State."

And, transmitted, for signature of the Speaker, Senate enrolled bills as follows: Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company;" Senate bill No. 537, "An act to amend an act entitled 'an act prescribing the

times of holding district courts in the several judicial districts of the State,' approved August 10, 1870;" Senate bill No. 536, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870;" Senate bill No. 441, "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870;" Senate bill No. 440, "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts.'" Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

And also, informed the House that the President had appointed as a committee of conference on part of the Senate, on House amendment to Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," Senators Parsons, Mills and Pickett.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence House bills as follows: House bill No. 694, "An act to authorize the Supreme Court to appoint a librarian;" House bill No. 887, "An act to authorize the late State Treasurer to institute suit against the State of Texas;" House bill No. 921, "An act supplemental to 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 13, 1870;" House bill No. 698, "An act regulating the fees of the clerk of the Supreme Court in certain cases;" House bill No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870;" House bill No. 568, "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870;" House bill No. 383, "An act to empower the sheriffs of the several counties of this State to make conveyance to purchasers of lands sold for taxes under an act approved November 10, 1866, entitled 'an act for the assessment and collection of taxes.'"

Senator Pyle offered the following resolution, which was adopted:

Resolved, That the Secretary of State be and is hereby called upon to furnish this Senate, as soon as possible, with a tabular statement of the registered vote of this state, by counties, according to the latest return from each county.

By leave Senator Shannon introduced Senate bill No. 573, "An act to prohibit the sale of ardent spirits and other intoxicating liquors within certain limits of Thorp's Springs Male and Female Seminary,

in Hood county." Read first time and referred to Committee on Education.

Senator Rawson moved that the Senate stand adjourned to 3 P. M.

Senator Broughton moved that the Senate stand adjourned to 10 A. M. to-morrow.

Yeas and nays called for and motion to adjourn lost by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Swift—8.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—17.

Senator Ruby gave notice that he would move a reconsideration of the vote of Saturday, by which the Senate receded from its amendments to House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company."

The question then recurring upon the motion of Senator Rawson to adjourn to 3. P. M., the motion was carried, and the Senate at 12:45 P. M. adjourned to 3 P. M.

AFTERNOON SESSION.

3 o'clock P. M.

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. No quorum present.

Absent—Senators Dillard, Ford, Hall, Hertzberg, Mills, Parsons, Pridgen, Pyle, Shannon and Swift.

Absent, excused—Senators Bowers, Fountain and Latimer.

Senators Dillard, Hertzberg, Parsons, Pridgen, Shannon and Swift appeared and answered to their names.

Quorum present.

By leave Senator Hertzberg submitted the following report on House bill No. 446 :

COMMITTEE ROOM,
Austin, Nov. 20, 1871. {

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Indian Affairs, to whom was referred House bill No. 446, entitled "An act to muster into service minute men for the protection of the frontier," have, after a careful examination of said bill, instructed me to report the same back with the

recommendation that it do pass with the following amendments: Strike out section "seven" and alter section "eight to seven," section "nine to eight" and section "ten to nine."

Respectfully,

T. HERTZBERG, Chairman *pro tem*.

Report read and laid over under the rules.

On motion of Senator Gaines the rules were suspended to take from file House bill No. 798, "An act to incorporate the Victoria Society, of Washington county." Read second time and passed to a third reading.

On motion of Senator Gaines the rules were further suspended and House bill No. 798 read third time and passed.

On motion of Senator Hall the rules were suspended to take from file House bill No. 903, "An act to repeal sections five, twenty-two, twenty-six and twenty-seven of 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870." Read first time.

Senator Gaines moved to indefinitely postpone the bill.

Senator Hall moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Parsons and Pyle.

Under the rules of the Senate, the further consideration of the bill was postponed until the absentees should appear.

On motion of Senator Hertzberg the rules were suspended to take from file House bill No. 446, "An act to muster into service minute men for the protection of the frontier." Read second time, and the amendments reported by the Committee on Indian Affairs and Frontier Protection were adopted.

The Senators absent under the call having appeared the call was suspended.

The consideration of House bill No. 903 was resumed.

The question being upon the motion to indefinitely postpone the bill, the yeas and nays were called for, and the motion to indefinitely postpone lost by the following vote:

Yeas—Mr. President, Bell, Ford, Gaines, Hertzberg, Hillebrand, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—12.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pickett, Pridgen, Pyle, Shannon, Swift—12.

Senators Baker and Mills were excused from voting, they having paired off with Senators Bowers and Latimer, the former voting in the affirmative and the latter in the negative.

Consideration of House bill No. 446 resumed.

Senator Dohoney offered the following amendment, and moved its adoption: Amend section — by striking out the words "to be

appointed by the Governor," and insert in lieu thereof the words "to be elected by the company."

Yeas and nays called for, and the amendment adopted by the following vote:

Yeas—Baker, Bell, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift, Tendick—17.

Nays—Mr. President, Ford, Gaines, Hertzberg, Hillebrand, Mills, Ruby, Saylor—8.

On motion of Senator Saylor, the vote of yesterday, by which the Senate receded from its amendments to House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company," was reconsidered.

House bill No. 446 passed to a third reading as amended.

On motion of Senator Cole, the rules were further suspended, and House bill No. 446 read third time and passed.

On motion of Senator Hillebrand the rules were suspended to take from file House bill No. 811, "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases." Read first time.

Senator Ruby moved the indefinite postponement of the bill.

Yeas and nays called for and the motion to indefinitely postpone lost by the following vote:

Yeas—Cole, Dillard, Gaines, Hall, Parsons, Pickett, Rawson, Ruby, Shannon, Tendick—10.

Nays—Mr. President, Baker, Bell, Dohoney, Douglas, Evans, Ford, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Pyle, Saylor, Swift—15.

House bill No. 811 was then referred to the Committee on Public Lands.

On motion of Senator Dohoney the rules were suspended to take from file House bill No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870."

Senator Dohoney moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Broughton.

Senator Broughton appeared and answered to his name.

Call suspended.

Senator Ruby moved to reject House bill No. 690.

Yeas and nays called for, and the Senate refused to reject by the following vote:

Yeas—Mr. President, Bell, Ford, Gaines, Hillebrand, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—11.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Pickett, Pridgen, Pyle, Shannon, Swift—13.

Senators Baker and Mills were excused from voting, having paired off with Senators Bowers and Latimer, the former voting in the affirmative and the latter in the negative.

On motion of Senator Mills, the rules were suspended to take from file House bill No. 927, "An act for the relief of J. Lancaster." Read first time; and on motion of Senator Gaines, referred to the Committee on Private Land Claims.

By leave, Senator Parsons introduced a bill (Senate bill No. 574) to be entitled "An act to amend 'an act to consolidate into one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870." Read first time; rules suspended, read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Parsons the rules were further suspended and Senate bill No. 574 read third time and passed.

On motion of Senator Pettit the rules were suspended to take from file Senate bill No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871." Read third time.

Senator Pickett moved to postpone the further consideration of the bill until Wednesday next at 10:30 o'clock A. M. Lost.

Senator Dohoney moved that House bill No. 822, "An act abolishing the office of supervisor of education in each judicial district of this State, and providing for the appointment of ten assistant superintendents of public instruction for this State," be adopted as a substitute for Senate bill No. 529.

[Senator Broughton called to the chair.]

Senator Ruby moved to lay House bill No. 822 on the table.

Yeas and nays called for, and the bill laid on the table by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Pettit, Pickett, Rawson, Ruby, Saylor, Tendick—14.

Nays—Broughton, Cole, Dohoney, Douglas, Evans, Hall, Pridgen, Pyle, Shannon, Swift—10.

Senator Ford offered the following amendment, which was adopted: Amend clause fourth, insert in line four after the word "subdivide" the words "the counties in."

Senator Bell offered the following amendment, which was adopted: Amend by adding to clause second the following: "and the supervisor may act as examiner of teachers."

Senator Bell moved the passage of Senate bill No. 529.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Swift, Tendick—18.

Nays—Broughton, Cole, Douglas, Evans, Pyle, Shannon—6.

On motion of President Flanagan, the Senate at 4:25 P. M. adjourned to 10 A. M. to-morrow.

FIFTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, Nov. 21, 1871. }

Senate met pursuant to adjournment. Senator Parsons presiding. Roll called. No quorum present.

Absent—Senators Gaines, Hall, Mills, Pridgen, Saylor, Tendick and President Flanagan.

Absent, excused—Senators Bowers, Fountain and Latimer.

Senators Gaines, Hall and Pridgen appeared and answered to their names.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the journal of yesterday, Senator Gaines moved to reconsider the vote of yesterday by which the Senate adopted the following amendment to substitute Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial districts of the State of Texas," viz: Amend section twenty so as to read "That the Nineteenth District shall be composed of the counties of Brazos, Burleson, Milam and Washington, and shall be entitled to elect two Senators and six Representatives."

Senator Hertzberg moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Bell, Broughton, Ford, Pyle and Tendick.

The motion to reconsider was laid over under the rules until there should be a full Senate.

Journal of yesterday was then read and adopted.

[Senator Pettit called to the chair.]

PETITIONS AND MEMORIALS.

By Senator Mills: a petition of W. B. Scates for relief. Read and referred to the Committee on Judiciary.